

From: [Davisson, Tracey](#)
To: [Rankin, Dennis - Washington, DC](#)
Cc: [Douglas, Matthew](#)
Subject: Tri-State Generation and Transmission proposed San Luis Valley-Calumet-Comanche Transmission Project
Date: Tuesday, August 25, 2009 3:58:08 PM
Attachments: [08-25-09 Letter to Dennis Rankin \(DN 141187 1\).PDF](#)

Mr. Rankin,

Please see the attached letter from Mr. Douglas.

Tracey Davisson

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August 25, 2009

VIA FEDERAL EXPRESS & ELECTRONIC MAIL

Dennis Rankin
USDA, Rural Development Utilities Programs
Mail Stop 1571, Room 2244-S
1400 Independence Ave, SW
Washington, DC 20250
dennis.rankin@wdc.usda.gov

RE: Tri-State Generation and Transmission proposed San Luis Valley-Calumet-
Comanche Transmission Project

Dear Mr. Rankin:

As you know, my client Blanca Ranch Holdings, LLC and Trinchera Ranch Holdings, LLC (collectively, the "Trinchera Ranch" or "Trinchera"), is an interested member of the public regarding RUS's environmental review under NEPA of Tri-State Generation and Transmission Association, Inc.'s ("Tri-State") proposed San Luis Valley-Calumet-Comanche Transmission Project (the "Project"). This letter sets forth some of Trinchera Ranch's concerns regarding the process and procedure used at the NEPA scoping meetings held from August 17-20, 2009 regarding the Project. Please include this letter as part of the Administrative Record for this matter.

B-003-001

First, as a result of the actions of Tri-State representatives, the meetings resembled private Tri-State lobbying efforts and did not constitute public scoping meetings within the meaning and intent of NEPA. For example, at the Pueblo meeting on August 20, 2009, the Tri-State representatives insisted that the Trinchera Ranch representative (Becky Almon) leave the meeting and told her she could not "eavesdrop" on Tri-State's answers to questions by members of the public. The question related to possible impacts of the Project, and the Trinchera representative was very interested in the Project proponent's answer. The very concept of "eavesdropping" in the context of a public meeting, when a member of the public asks a relevant question of the Project proponent, is absurd.

B-003-002

Second, at the Alamosa meeting on August 18, 2009, a Tri-State representative instructed a representative of Trinchera Ranch that he was not permitted to speak to the Tri-State representatives who were presenting information to the public about the Project at the meeting. Tri-State made a similar demand to the Trinchera representatives at the Gardner meeting on August 19, 2009 and the Colorado City meeting on August 20, 2009. Notably, much of the

Washington, DC New York London Brussels Los Angeles Century City Northern Virginia Denver

B-003-001: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

RUS is the lead federal agency for NEPA, and will consult with other federal, state, and local agencies, and affiliated tribes as well as adhere to applicable regulations.

Additional information regarding the NEPA process can be found on the RUS project website at <http://www.usda.gov/rus/water/ees/environ.htm>. The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-003-002: NEPA Process (Revision Required)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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B-003-002 information that Tri-State presented to the public at these meetings was not previously available to the public, and Trinchera was not given the same access to this information as the rest of the public (and perhaps others were excluded as well).

The stated reason for Tri-State's gag order at the public meetings was the pending proceeding before the Colorado Public Utilities Commission ("PUC"). But it was Tri-State's choice to push the NEPA process at the same time as it was proceeding with the PUC. Tri-State cannot utilize its own choice to proceed with a parallel track to limit or preclude public participation in the NEPA process. As you know, Trinchera Ranch previously asked RUS not to proceed with the NEPA scoping meetings at the same time as the ongoing PUC proceeding because doing so would limit the public's opportunity to participate meaningfully in the process. Tri-State has now demonstrated why this is so.

B-003-003 Tri-State's actions in ejecting the Trinchera representative and preventing meaningful participation is improper and defeats the purpose of the NEPA scoping process. Accordingly, to comply with NEPA, Trinchera Ranch believes that the public scoping meetings for the Project must be held again and allow for the full participation of all members of the public.

B-003-004 Furthermore, there were additional irregularities in the process that weigh in favor of new public meetings. For example, at Tri-State's suggestion, several meetings were held in the mornings when many people are required to be at work, and there was a significant amount of new information about the Project that was available for the first time at the scoping meetings and had not been previously available on the project website for people to review and consider prior to the meetings. We believe that these unusual steps were taken by Tri-State to short-cut the NEPA process, including the reduction of time available to schedule public scoping meetings from two weeks to one week.

B-003-005 An additional irregularity that has come to our attention is the fact that public comments made through the project website are routed to Tri-State as opposed to RUS directly. We are not aware of any NEPA comment process in which the Project proponent collects and administers the public comments. Trinchera Ranch believes that the integrity of the NEPA process requires that public comments go directly to RUS, not through the Project proponent. Given all of the irregularities in the process to date, and the inability of Trinchera Ranch to participate fully in the public meetings, Trinchera Ranch hereby requests copies of all public comments made to Tri-State and RUS relating to the project.

B-003-006

B-003-003: NEPA Process (Revision Required)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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Additional information regarding the NEPA process can be found on the RUS project website at <http://www.usda.gov/rus/water/ees/envIRON.htm>. The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-003-004: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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Additional information regarding the NEPA process can be found on the RUS project website at <http://www.usda.gov/rus/water/ees/envIRON.htm>. The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

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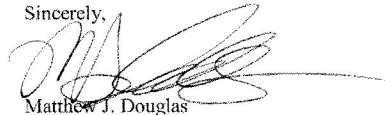
B-003-007 Lastly, the scoping meetings demonstrated significant public interest in the Project and a wide range of concern and controversy regarding the Project. The number of people potentially affected and the wide range of concerns expressed, including concerns over effects on property, wildlife, the unique environment of the study area, and whether the proposed line is better than other alternative solutions that are not being considered, all support Trinchera Ranch's request that an EIS be conducted for the Project.

B-003-008 We believe that additional public scoping meetings with full public participation are necessary to comply with NEPA and RUS regulations, and we hope that RUS will make this determination promptly. Additionally, we request that RUS immediately agree to extend the deadline to file written comments by thirty (30) days to October 21, 2009 so that we, and other members of the public, are not rushed to complete comments while RUS considers the need for additional scoping meetings.

B-003-009

Please let me know if you would like to discuss any of the issues raised in this letter.

Sincerely,



Matthew J. Douglas

cc: Thomas Dougherty, Esq.
Gregory Sopkin, Esq.

B-003-005: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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B-003-006: Public Involvement Process (In Review)

Your email/letter/comment form has been received and your comment noted. The project is in the planning and environmental review stages. Current project information will be available on the RUS project website, <http://www.usda.gov/rus/water/ees/ea.htm> and the Utilities' project website, <http://www.socotransmission.com/>.

The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-003-007: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has

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B-003-008: NEPA Process (In Review)

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B-003-009: NEPA Process (In Review)

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